

1 BRIAN L. JOHNSRUD, State Bar No. 184474
2 JENNIFER LOTZ, State Bar No. 196925
3 CURLEY, HURTGEN & JOHNSRUD LLP
4 4400 Bohannon Drive, Suite 230
5 Menlo Park, CA 94025
Telephone: 650.600.5300
Facsimile: 650.323.1002
E-mail: bjohnsrud@chjllp.com
jlotz@chjllp.com

6 Attorneys for Defendant
7 JUUL LABS, INC.

8 CHRIS BAKER, State Bar No. 181557
cbaker@bakerlp.com
9 DEBORAH SCHWARTZ, State Bar No. 208934
dschwartz@bakerlp.com
10 BAKER CURTIS & SCHWARTZ, P.C.
11 1 California Street, Suite 1250
San Francisco, CA 94111
12 Telephone: (415) 433-1064
Fax: (415) 366-2525

13 Attorneys for Plaintiff
14 MARCIE HAMILTON

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16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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19 MARCIE HAMILTON,
20 Plaintiff,
21 v.
22 JUUL LABS, INC.,
23 Defendant.

Case No. 3:20-CV-3710-EMC (SK)

**JOINT STIPULATION TO VACATE
DISCOVERY DEADLINES BASED ON
SETTLEMENT; [PROPOSED] ORDER
(Civ. L.R. 6-1(b) and 6-2(a))**

STIPULATION

Pursuant to Civil Local Rule 6-1(b) and 6-2(a), Defendant Juul Labs, Inc. (“JLI”) and Plaintiff Marcie Hamilton (“Hamilton”) (JLI and Hamilton are referred to collectively herein as “the Parties”), through their attorneys of record, hereby stipulate and respectfully request that the Court vacate the pending deadline for the parties to submit competing search terms to the Court to allow the Parties to seek Court approval of their settlement.

1. WHEREAS, on June 25, 2021, Magistrate Judge Sallie Kim issued an Order Regarding Joint Discovery Letter Brief (ECF 61) ordering, in part, that: (a) Defendant produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian(s) of records for the documents Plaintiffs seek within 14 days of the date of the Order unless both parties agreed to extend that time; and (b) the parties either meet and confer further or, if they cannot agree on search terms, to each submit to the Court competing search terms by July 23, 2021.

2. WHEREAS, on July 19, 2021, the Parties submitted a Stipulation To Enlarge Time For Submitting Competing Search Terms To The Court (ECF 70, the “Stipulation”) and, pursuant to such Stipulation, the Court ordered as follows (ECF 71, the “Order”):

- a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff seeks is hereby extended to August 6, 2021 to allow additional time to meet and confer and identify potential custodians absent the need for such deposition. This time can be further extended by mutual agreement of the parties without order of the Court; and

b. The time for the Parties to submit competing search terms to the Court pursuant to the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61) is hereby extended until August 20, 2021 to allow additional time to meet and confer and attempt to reach agreement regarding search terms.

3. WHEREAS, on August 4, 2021, the Parties submitted a Second Stipulation To
Enlarge Time For Submitting Competing Search Terms To The Court (ECF 72, the “Second

1 Stipulation") and, pursuant to such Second Stipulation, the Court ordered as follows (ECF 73, the
 2 "Second Order"):

3 a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6)
 4 regarding the custodian of records for the documents Plaintiff seeks is hereby
 5 extended to August 20, 2021 to allow additional time to meet and confer and
 6 identify potential custodians absent the need for such deposition. This time can be
 7 further extended by mutual agreement of the Parties without order of the Court;
 8 and

9 b. The time for the Parties to submit competing search terms to the Court pursuant to
 10 the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61)
 11 is hereby extended until September 2, 2021 to allow additional time to meet and
 12 confer and attempt to reach agreement regarding search terms.

13 4. WHEREAS, on August 18, 2021, the Parties submitted a Third Stipulation To
 14 Enlarge Time For Submitting Competing Search Terms To The Court (ECF 74, the "Third
 15 Stipulation") and, pursuant to such Third Stipulation, the Court ordered as follows (ECF 75, the
 16 "Third Order"):

17 a. The time for Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6)
 18 regarding the custodian of records for the documents Plaintiff seeks is hereby
 19 extended to September 3, 2021 to allow additional time to meet and confer and
 20 identify potential custodians absent the need for such deposition. This time can be
 21 further extended by mutual agreement of the parties without order of the Court;
 22 and

23 b. The time for the Parties to submit competing search terms to the Court pursuant to
 24 the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61)
 25 is hereby extended until September 16, 2021 to allow additional time to meet and
 26 confer and attempt to reach agreement regarding search terms.

1 5. WHEREAS, the Parties have entered into a settlement of this case. Pursuant to the
 2 settlement's terms, and in accordance with California Labor Code § 2699(l)(2), Plaintiff will file
 3 a motion seeking the Court's approval of the settlement no later than September 27, 2021.

4 6. WHEREAS, the Parties have agreed that the pending discovery deadlines set by
 5 Judge Kim and through the Parties' stipulations, including the September 3, 2021 deadline
 6 Defendant to produce a deponent pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of
 7 records for the documents Plaintiff seeks and the September 16, 2021 deadline for the Parties to
 8 submit competing search terms to the Court pursuant to the Court's June 25, 2021 Order
 9 Regarding Joint Discovery Letter Brief (ECF 61), be vacated to allow the Parties to seek Court
 10 approval of the settlement.

11 7. WHEREAS, the Case Management and Pretrial Order issued by Judge Chen on
 12 June 24, 2021 (ECF 63) sets a non-expert discovery cut-off date of June 24, 2022.

13 8. WHEREAS, the only previous stipulated time modifications to any discovery
 14 deadlines in this case are those set forth in the Stipulation (ECF 70), the Second Stipulation (ECF
 15 72), and the Third Stipulation (ECF 74) and the related Order (ECF 71), Second Order (ECF 73),
 16 and Third Order (ECF 75) as noted in Paragraphs 2 through 4 above.

17 NOW, THEREFORE, the Parties, through their respective counsel of record,
 18 STIPULATE AND AGREE to the following modifications to the Court's June 25, 2021 Order
 19 Regarding Joint Discovery Letter Brief (ECF 61), their previous Stipulations (ECF 70, 72, and
 20 74), and the Court's Orders granting the same (ECF 71, 73, and 75):

21 1. The pending discovery deadlines in this case set by Judge Kim and through the
 22 Parties' stipulations, including the September 3, 2021 deadline Defendant to produce a deponent
 23 pursuant to Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff
 24 seeks and the September 16, 2021 deadline for the parties to submit competing search terms to the
 25 Court pursuant to the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF
 26 61), be vacated to allow the Parties to seek Court approval of the settlement.

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1 **IT IS SO STIPULATED AND AGREED.**

2 Dated: August 31, 2021

3 CURLEY, HURGEN & JOHNSRUD LLP

4 By /s/ Brian L. Johnsrud
5 BRIAN L. JOHNSRUD
6 Attorneys for Defendant
JUUL LABS, INC.

7 Dated: August 31, 2021

8 BAKER CURTIS & SCHWARTZ, P.C.

9 By /s/ Chris Baker
10 CHRIS BAKER
11 Attorneys for Plaintiff
MARCIE HAMILTON

12 **SIGNATURE ATTESTATION**

13 Pursuant to Local Rule 5-1(i)(3), I attest that I have obtained concurrence regarding the
14 filing of this document from the other signatories to the document.

15 Dated: August 31, 2021

16 CURLEY, HURGEN & JOHNSRUD LLP

17 By /s/ Brian L. Johnsrud
18 BRIAN L. JOHNSRUD
19 Attorneys for Defendant
20 JUUL LABS, INC.

21 **[PROPOSED] ORDER**

22 Pursuant to the Parties' Joint Stipulation To Vacate Discovery Deadlines Based On
23 Settlement, it is hereby ordered that:

24 1. The pending discovery deadlines in this case set by the under-signed judge,
25 including the September 3, 2021 deadline Defendant to produce a deponent pursuant to
26 Fed.R.Civ.P. 30(b)(6) regarding the custodian of records for the documents Plaintiff seeks and the
27 September 16, 2021 deadline for the Parties to submit competing search terms to the Court
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1 pursuant to the Court's June 25, 2021 Order Regarding Joint Discovery Letter Brief (ECF 61), are
2 hereby vacated to allow the Parties to seek Court approval of the settlement.

3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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5 Dated: _____, 2021

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7 SALLIE KIM
8 United States Magistrate Judge
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